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EXAMINER

NGUYEN, DUSTIN

| ART UNIT | PAPER NUMBER |
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2154

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,067

Applicant(s)

BREBNER, GAVIN

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 25 are presented for examination.

Response to Arguments

2. In response to the remarks concerning lack of antecedent basis of claim 12, the “said profile” of claim 2 is not as specific as “local profile” in claim 1.
3. As per remarks, Applicants’ argued that (1) there is nothing in Christianson disclosing the receiving of an abstract request formulated at a client computer and “abstract request” refers to a request for a transaction that contains “some basic incomplete information” or “only partial information” for completing the requested transaction.
4. As to point (1), Christianson discloses a process of receiving a query from a client computer [31, Figure 3; and col 7, lines 41-42], a netbot acts as user’s intelligent assistant which assists user in finding needed information from relevant information sources [col 4, lines 19-33], and the netbot doing so by adding additional information from the wrapper module to the query before forwarding to the information sources [col 8, lines 25-35; col 12, lines 2-20; and col 15, lines 19-65].

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5. As per remarks, Applicants' argued that (2) there is no reference that disclose "detecting a condition of insufficient resources".

6. As to point (2), Anderson discloses detecting a condition of insufficient resources [i.e. detecting module for determining available bandwidth] [502, Figure 5; and col 12, lines 47-67].

7. As per remarks, Applicants' argued that (3) there is nothing in Warwick even remotely connected or connectable to a method of collecting data representative of a computer profile for achieving an electronic business transaction.

8. As to point (3), Warwick discloses the above limitation [i.e. querying for management information associated with devices and store in storage 209 [Figure 2; and col 2, lines 49-65] and the task can be performed in a distributed computing environment or remote computer [col 4, lines 1-7].

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

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In this case, it would have been obvious to combine the references because the adding of DMI or WMI interfaces of Warwick would allow to determine the available resources and management application has a better knowledge on its hardware devices [Warwick, col 6, lines 27-33].

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 2, 11-15, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

I. said profile - claim 2.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 1-4, 6-15, 17-21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. [US Patent No 6,578,142], in view of Christianson et al. [US Patent No 6,102,969].

14. As per claim 1, Anderson discloses the invention substantially as claimed including process for assisting a transaction between an user and at least one remote server, the or each remote server being prepared to process at least one predetermined command, said process comprising:

analyzing said abstract request [col 1, lines 19-27] and mapping it to a corresponding one of said remote server [i.e. access a predetermined web site] [col 3, lines 32-34] and to one of said predetermined command [i.e. short cuts of bookmarks] [col 9, lines 3-9; and col 10, lines 60-63];

constructing an aggregating request based on said mapped command, enriched with data extracted from a local profile [col 5, lines 14-21];

transmitting said aggregated request to said corresponding server [col 5, lines 26-38];

receiving the answer from said corresponding server and displaying the answer to the user for completing the transaction [col 5, lines 25-27].

Anderson does not specifically disclose

receiving an abstract request formulated at a client computer and containing incomplete information identifying a potential transaction;

Christianson discloses

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receiving an abstract request formulated at a client computer [col 3, lines 8-11; and col 4, lines 42-44] and containing incomplete information identifying a potential transaction [col 2, lines 58-61; and col 3, lines 12-17].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Anderson and Christianson because Christianson's teaching would provide a flexible method to retrieve information from the source in an efficient manner.

15. As per claim 2, Anderson discloses contains a query string containing both information extracted from the abstract request, and data extracted from said profile [col 5, lines 11-37]. Anderson does not specifically disclose aggregate request conforms to the Hypertext Transfer Protocol (HTTP). Christianson discloses aggregate request conforms to the Hypertext Transfer Protocol (HTTP) [col 11, lines 1-14; and col 17, lines 61-col 18, lines 5]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Anderson and Christianson because the teaching of Christianson would allow to provide a standard so that information can be transmitted or displayed properly to maintain its integrity.

16. As per claim 3, Anderson discloses profile data that are representative of platform configuration [i.e. system profile] [col 5, lines 14-17], and are extracted from information available at the Basic Input Output System (BIOS) level [col 6, lines 45-48].

17. As per claim 4, Anderson discloses profile data are collected by means of interrogation of standardized systems management interfaces present in the client computer [col 9, lines 39-42].

18. As per claim 6, Anderson discloses local profile contains data personal to a particular user [i.e. user preference] [col 1, lines 23-27].

19. As per claim 7, Anderson does not specifically disclose local agent receives the response from said corresponding server under the form of a Hypertext Markup Language (HTML) page, and pushes it to a web browser for allowing the completion of the transaction between the user and the server. Christianson discloses local agent [col 4, lines 27-33] receives the response from said corresponding server under the form of a Hypertext Markup Language (HTML) page, and pushes it to a web browser for allowing the completion of the transaction between the user and the server [col 6, lines 16-43]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Anderson and Christianson because Christianson's teaching would provide an interface that is portable to be used in any computer system.

20. As per claim 8, Christianson discloses regularly downloading a list of servers to which the abstract requests can be mapped thereby permitting modification of the offers that can be made to the user [col 7, lines 35-58; and col 13, lines 14-22].

21. As per claim 9, Christianson discloses the abstract request is formulated in a natural language and a natural language analyzer is employed to process the request [col 16, lines 36- col 17, lines 32].

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22. As per claim 10, it is rejected for similar reasons as stated above in claim 1. Furthermore, Anderson discloses detecting a condition of insufficient resources [col 12, lines 40-46].

23. As per claim 11, it is rejected for similar reasons as stated above in claim 1.

24. As per claim 12, it is rejected for similar reasons as stated above in claim 7.

25. As per claim 13, Anderson discloses the local agent is preloaded and arranged to execute when the computer is booted [col 1, lines 39-48].

26. As per claim 14, it is program product claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.

27. As per claim 15, it is program product claimed of claim 7, it is rejected for similar reason as stated above in claim 7.

28. As per claim 17, it is rejected for similar reasons as stated above in claims 1, 7, and 8. Furthermore, Christianson discloses a list server for providing a list of services and one or more rules applicable to said services [i.e. wrappers] [col 7, lines 45-55].

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29. As per claim 18, it is rejected for similar reasons as stated above in claims 1 and 3.

Furthermore, Anderson discloses information regarding the local computer's hardware and/or software configuration [i.e. system profile] [col 5, lines 15-17].

30. As per claims 19-21, they are rejected for similar reasons as stated above in claims 2-4.

31. As per claims 23, 24, they are rejected for similar reasons as stated above in claims 8 and 9.

32. As per claim 25, it is rejected for similar reasons as stated above in claims 10.

33. Claims 5, 16 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. [US Patent No 6,578,142], in view of Christianson et al. [US Patent No 6,102,969], and further in view of Warwick et al. [US Patent No 6,598,169].

34. As per claim 5, Anderson and Christianson do not specifically disclose profile parameters are collected by means of an interrogation via the Distributed Management Interface (DMI) or Window Management Interface (WMI). Warwick discloses profile parameters are collected by means of an interrogation via the Distributed Management Interface (DMI) or Window Management Interface (WMI) [Abstract]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Anderson, Christianson and

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Warwick because Warwick's teaching would provide an interface for mapping of data from diverse data sources in a common, normalized and logically organized way, and enables correlation and associations between the management data regardless of type, content, or source of origin [Warwick, col 2, lines 15-23].

35. As per claim 16, it is rejected for similar reasons as stated above in claims 1 and 5.

36. As per claim 22, it is rejected for similar reasons as stated above in claim 5.

37. Applicant's arguments filed 01/06/2005 have been fully considered but they are not persuasive.

38. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen
Examiner
Art Unit 2154



VIET D. VU
PRIMARY EXAMINER